REMARKS

Claims 1 through 10 are pending in this application. Reconsideration is requested based on the following remarks.

Claim Rejections - 35 U.S.C. § 102:

Claims 1 through 10 were rejected under 35 U.S.C. § 102(e) as anticipated by Tiliks et al., US 2003/0076941. The rejection is traversed.

Claim 1 recites, in pertinent part:

"checking if a pre-defined <u>availability</u> status allocated to a recipient of the call and/or message is activated."

Tiliks neither teaches, discloses, nor suggests checking if a pre-defined availability status allocated to a recipient of the call and/or message is activated, as recited in claim 1. In Tiliks, rather, as described in paragraph [0056],

"When the outside telephone number does not match the at least one restricted telephone number, the call is connected between the subscriber telephone number and the outside telephone number. When the outside telephone number matches the at least one restricted telephone number, the call data is stored and entry of the personal identification number is requested."

Thus, in Tiliks calls are connected if the telephone number from which they originate matches no number on a restricted list, not based on a pre-defined *availability* status allocated to a recipient, as recited in claim 1. The *availability* of the recipient has nothing to do with it. The recipient may be available, or not. Tiliks doesn't care.

Furthermore, as described in paragraph [0058] of Tiliks,

When the identification number is not the personal identification number, the call is terminated. When the identification number is the personal identification number, the call is connected between the subscriber telephone number and the outside telephone number.

Thus, whether the recipient is available makes no difference in Tiliks. If the recipient is not available and the telephone number is on the restricted list, the call is terminated. If the recipient is available but doesn't have the personal identification number and the telephone number is on the restricted list, the call is also terminated.

All that matters, if the telephone number is restricted, is whether the recipient *has* the personal identification number, not the *availability* of the recipient. The recipient may be all ready and waiting to receive the call, i.e. he may be more than available. If he can't produce the

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PIN, however, he doesn't get to talk. This is to be contrasted with claim 1, which recites checking if a pre-defined availability status allocated to a recipient of the call and/or message is activated.

Furthermore, as described in paragraph [0074] of Tiliks,

> In particular, the service receives restricted call data from the subscriber, identifies incoming and outgoing calls by calling party number and called party number, and terminates restricted calls according to the subscriber's restricted call data.

Since Tiliks terminates restricted calls according to the subscriber's restricted call data, Tiliks is not checking if a pre-defined *availability* status allocated to a recipient of the call and/or message is activated, as recited in claim 1.

Similarly, as described in paragraph [0074] of Tiliks,

> The restricted call data includes, for example, restrictions on calls to and from selected telephone numbers, or groups of telephone numbers.

Since, in Tiliks, the restricted call data includes, for example, restrictions on calls to and from selected telephone numbers, or groups of telephone numbers, Tiliks is not checking if a pre-defined *availability* status allocated to a recipient of the call and/or message is activated, as recited in claim 1.

Furthermore, paragraph [0075] of Tiliks describes,

> For example, an outgoing call restriction that disables all calls from the subscriber's telephone after 10:00 p.m. would have as an exception calls to a predesignated telephone number (i.e., a priority number) of a close relative, thus enabling outgoing calls to that number after 10:00 p.m., without the extra step of entering the blocking override PIN.

Since, in Tiliks, an outgoing call restriction that disables all calls from the subscriber's telephone after 10:00 p.m. would have as an exception calls to a predesignated telephone number (i.e., a priority number) of a close relative, thus enabling outgoing calls to that number after 10:00 p.m., without the extra step of entering the blocking override PIN, Tiliks is not checking if a pre-defined *availability* status allocated to a recipient of the call and/or message is activated, as recited in claim 1. Rather, the call is placed depending on whether a call is being placed to a priority number, not on a pre-defined *availability* status allocated to a recipient of the call and/or message is activated, as recited in claim 1.

Similarly, paragraph [0075] of Tiliks describes,

> The call monitoring service also allows calls from the subscriber telephone to

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"escape" numbers, such as 911 and local fire and police departments, even during periods of call restriction, without the subscriber specifically identifying the escape numbers as priority numbers.

Since, in Tiliks, the call monitoring service also allows calls from the subscriber telephone to "escape" numbers, such as 911 and local fire and police departments, even during periods of call restriction, without the subscriber specifically identifying the escape numbers as priority numbers, Tiliks is not checking if a pre-defined *availability* status allocated to a recipient of the call and/or message is activated, as recited in claim 1. Rather, the call is placed depending on the number the subscriber is trying to reach, not on a pre-defined *availability* status allocated to a recipient of the call and/or message is activated, as recited in claim 1.

Furthermore, as described at paragraph [0083] of Tiliks,

For example, the subscriber may turn the call monitoring service ON or OFF, create a time of day, day of week schedule for restricting telephone calls, create and maintain lists of restricted telephone numbers (and groups of telephone numbers) for incoming and/or outgoing calls, and create and maintain lists of priority telephone numbers (and groups of telephone numbers) that are not subject to restriction regardless of other time or telephone number related restrictions.

Since, in Tiliks, the subscriber may turn the call monitoring service ON or OFF, create a time of day, day of week schedule for restricting telephone calls, create and maintain lists of restricted telephone numbers (and groups of telephone numbers) for incoming and/or outgoing calls, and create and maintain lists of priority telephone numbers (and groups of telephone numbers) that are not subject to restriction regardless of other time or telephone number related restrictions, Tiliks is not checking if a pre-defined *availability* status allocated to a recipient of the call and/or message is activated, as recited in claim 1. Rather, the call is placed, or connected, depending on the number the subscriber is trying to reach, or the number from which the call was placed, not on a pre-defined *availability* status allocated to a recipient of the call and/or message is activated, as recited in claim 1.

Similarly, as described at paragraph [0083] of Tiliks,

The subscriber may bypass any restrictions by entering a blocking override PIN, enabling the call to process normally.

Since, in Tiliks, the subscriber may bypass any restrictions by entering a blocking override PIN, enabling the call to process normally, Tiliks is not checking if a pre-defined *availability* status allocated to a recipient of the call and/or message is activated, as recited in claim 1. Rather, the call is placed depending on whether the recipient possesses the requisite

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PIN, not on a pre-defined *availability* status allocated to a recipient of the call and/or message is activated, as recited in claim 1.

Furthermore, as described at paragraph [0094] of Tiliks,

In particular, FIG. 3 depicts an exemplary situation in which the attempted telephone call is rejected by the SCP 23, based on a match with the time of day, day of week schedule and the calling party number being an incoming restricted number (e.g., steps s214-s216 of FIG. 2), and in which the calling party (e.g., the subscriber) bypasses the call blocking feature implemented by the call monitoring service by entering a blocking override PIN.

Since, in Tiliks, the attempted telephone call is rejected by the SCP 23, based on a match with the time of day, day of week schedule and the calling party number being an incoming restricted number (e.g., steps s214-s216 of FIG. 2), and in which the calling party (e.g., the subscriber) bypasses the call blocking feature implemented by the call monitoring service by entering a blocking override PIN, Tiliks is not checking if a pre-defined *availability* status allocated to a recipient of the call and/or message is activated, as recited in claim 1. Rather, the call is placed depending on whether the recipient possesses the requisite PIN, not on a pre-defined *availability* status allocated to a recipient of the call and/or message is activated, as recited in claim 1, contrary to the assertion in the Office Action.

Similarly, as described at paragraph [0096] of Tiliks,

Accordingly, the SCP 23 determines whether the subscriber telephone 25 is associated with the call monitoring service, whether the call blocking feature of the service is active according to the time of day, day of week schedule, whether the calling party number is on the incoming restriction list and whether the calling party number is on the incoming priority list.

Since, in Tiliks, the calling party number is checked to see if it is on the incoming restriction list and whether the calling party number is on the incoming priority list, Tiliks is not checking if a pre-defined *availability* status allocated to a recipient of the call and/or message is activated, as recited in claim 1, contrary to the assertion in the Office Action.

Similarly, as described at paragraph [0096] of Tiliks,

FIG. 3 depicts the process whenever the SCP 23 determines at step 315 that the time of day, day of week schedule indicates that the call blocking feature is currently active and that the calling party number is on the incoming restriction list, but not on the incoming priority list. In other words, the call is blocked.

Since, in Tiliks, the call is blocked if the calling party number is on the incoming restriction list, but not on the incoming priority list, Tiliks is not checking if a pre-defined *availability* status allocated to a recipient of the call and/or message is activated, as recited in

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claim 1, contrary to the assertion in the Office Action.

Claim 1 recites further:

"upon activation of a pre-defined availability status applying a pre-defined filter rule to the call and/or message in accordance with the activated availability status."

Tiliks neither teaches, discloses, nor suggests checking if a pre-defined availability status allocated to a recipient of the call and/or message is activated, as discussed above. Since Tiliks neither teaches, discloses, nor suggests checking if a pre-defined availability status allocated to a recipient of the call and/or message is activated, Tiliks cannot apply a pre-defined filter rule to the call and/or message in accordance with the activated availability status, as recited in claim 1.

Finally, claim 1 recites,

"executing a call and/or message handling action associated with the activated availability status."

Tiliks neither teaches, discloses, nor suggests checking if a pre-defined availability status allocated to a recipient of the call and/or message is activated, as discussed above. Since Tiliks neither teaches, discloses, nor suggests checking if a pre-defined availability status allocated to a recipient of the call and/or message is activated, Tiliks cannot execute a call and/or message handling action associated with the activated availability status, as recited in claim 1. Claim 1 is submitted to be allowable. Withdrawal of the rejection of claim 1 is earnestly solicited.

Claims 2 through 8 depend from claim 1 and add further distinguishing elements. Claims 2 through 8 are thus also submitted to be allowable. Withdrawal of the rejection of claims 2 through 8 is also earnestly solicited.

Claim 9:

Claim 9 recites,

"means for checking, upon receipt of a call and/or message, if a pre-defined availability status allocated to a recipient of the call and/or message is activated."

Tiliks neither teaches, discloses, nor suggests checking if a pre-defined availability status allocated to a recipient of the call and/or message is activated, as discussed above with respect to the rejection of claim 1.

Claim 9 recites further,

"means for applying, upon activation of a pre-defined availability status, a pre-defined filter rule to the call and/or message in accordance with the activated availability status."

Tiliks neither teaches, discloses, nor suggests checking if a pre-defined availability status allocated to a recipient of the call and/or message is activated, as discussed above with respect to the rejection of claim 1.

Finally, claim 9 recites,

"means for executing a call and/or message handling action associated with the activated availability status."

Tiliks neither teaches, discloses, nor suggests executing a call and/or message handling action associated with the activated availability status, as discussed above with respect to the rejection of claim 1. Claim 9 is thus also submitted to be allowable. Withdrawal of the rejection of claim 9 is earnestly solicited.

Claim 10:

Claim 10 recites,

"computer readable means for causing a computer to check, upon receipt of a call and/or message, if a pre-defined availability status allocated to a recipient of the call and/or message is activated."

Tiliks neither teaches, discloses, nor suggests checking if a pre-defined availability status allocated to a recipient of the call and/or message is activated, as discussed above with respect to the rejection of claim 1.

Claim 10 recites further,

"computer readable means for causing the computer to apply, upon activation of a pre-defined availability status, a pre-defined filter rule to the call and/or message in accordance with the activated availability status."

Tiliks neither teaches, discloses, nor suggests checking if a pre-defined availability status allocated to a recipient of the call and/or message is activated, as discussed above with respect to the rejection of claim 1.

Finally, claim 10 recites,

computer readable means for causing the computer to execute a call and/or message handling action associated with the activated availability status."

Tiliks neither teaches, discloses, nor suggests executing a call and/or message handling action associated with the activated availability status, as discussed above with respect to the rejection of claim 1. Claim 10 is thus also submitted to be allowable. Withdrawal of the rejection

of claim 10 is earnestly solicited.

Conclusion:

Accordingly, in view of the reasons given above, it is submitted that all claims 1 through 10 are allowable over the cited references. There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.
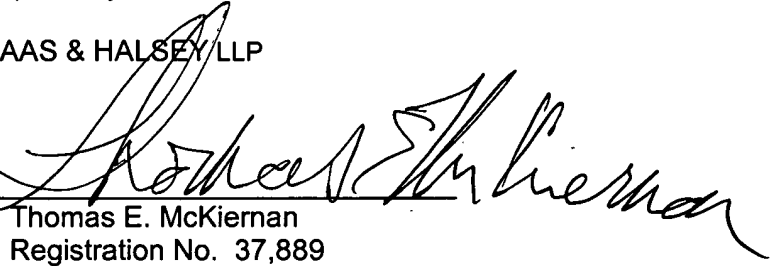
If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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